

Applicant : David R. Maas et al.
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REMARKS

No claims have been cancelled or added. Accordingly, claims 1-18 are pending in this application. Claims 1, 7, 10, 13, and 15 have been amended.

Allowed claims

Claims 1-9 and 15-18 have been allowed.

Correction of Informalities

Claims 1, 7, 13, and 15 have been amended to correct particular informalities described in the Office Action. No new matter has been added by these amendments. Applicants note that these claim amendments were made solely for the purposes of more clearly describing and claiming the invention, and not for purposes of overcoming art or for patentability or narrowing the claims.

Claim Rejections

Independent claim 10 and associated dependent claims 12-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,003,612 to Knight et al. (hereinafter "Knight"). Applicants respectfully submit that amended claim 10 is patentable over Knight and all other prior art of record and that claims 10-14 are in condition for allowance.

Amended claim 10 describes a soil aeration tine that comprises means for fracturing soil and for drawing the aeration tine into said soil, said means including a curved elongate member. The soil aeration tine also comprises means for removing a soil plug, said plug removal means being coupled to the soil fracturing means and being laterally offset from at least a portion of the soil fracturing means.

Knight discloses a sod cutting tine 1 that cuts a plug of sod and forces the sod plug 30 deeper into the ground rather than removing the plug from the ground. (See col. 4, lines 43-67.) The sod cutting tine 1 disclosed by Knight includes a body 3 having a cutting surface 4 and a sod retaining cavity 12 having an annular wall in perfect axial alignment with the cutting surface 4. (See col. 2, lines 54-56; col. 3, lines 9-20.) The sod plug 30 is never removed from the ground, but instead the plug 30 is forced below the top sod layer so that the sod plug 30 remains in the

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ground after the top sod layer is harvested from the ground. (See col. 4, lines 55-63; col. 5, lines 18-24).

Accordingly, Knight does not disclose an aeration tine having a plug removal means. Moreover, Knight does not disclose an aeration tine that is "laterally offset from at least a portion of the soil fracturing means" as recited in claim 10. Rather, as noted above, the annular wall of the sod retaining cavity 12 is in perfect axial alignment with the cutting surface 4.

In short, Knight does not disclose each and every element of independent claim 10 and thus does not anticipate claim 10. Applicant respectfully submits that independent claim 10 and associated dependent claims 12-14 are patentable over Knight and all other prior art of record, and that claims 10-14 are in condition for allowance.

Applicants note that the instant amendment to claim 10 is not necessary to overcome the Knight reference. The amendment is made not for the purpose of distinguishing the Knight reference but rather to more particularly recite what the Applicant regards as the claimed invention.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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It is believed that no further fees are due at this time; however, please charge any required fees and/or apply credits to deposit account 06-1050.

Respectfully submitted,

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